



MEMORANDUM

TO: Community and Economic Development Committee

FROM: Matt Rehbein, Economic Development Specialist

DATE: June 16, 2016

RE: Request for Variance to Deed Restrictions and Covenants allowing for a fence setback less than fifteen (15) feet from the lot line at 2619 E. Capitol Drive

The City has received a request for a variance to the Deed Restrictions and Covenants (attached) allowing a fence to be constructed less than fifteen (15) feet from the lot line for a property at 2619 E. Capitol Drive (attached).

The tenant (U.S. Army Corps of Engineers) wishes to secure the property with fencing as indicated; however, given the unique shape of the lot and how the building is sited, compliance with the Deed Restrictions and Covenants would create a very narrow access along sections of the building.

While the request is to allow a five (5) foot setback on the north, west and south boundaries, staff recommends the following:

North Boundary:

Subsequent to receiving the request, and in speaking with both the owner of the property (and he has confirmed with the tenant), they are agreeable to locating the fence south of the treeline, which would be approximately fifteen (15) feet south of the property line anyway.

West Boundary:

There is a six (6) foot utility easement located along the entire western property line. To ensure there is no conflict with the easement, we recommend a minimum six and one-half (6 ½) foot setback along the western property border.

South Boundary:

Along the southern boundary, we recommend approval of the five (5) foot setback.

Eastern Boundary:

Not affected by the setback request.

Staff Recommendation:

The Community and Economic Development Committee award a variance to the Deed Restrictions and Covenants allowing for a fence to be built at 2619 E. Capitol Drive with setbacks of six and one-half (6 ½) feet on the western property boundary and five (5) feet on the southern boundary.